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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/749,624      | 12/28/2000  | Koichi Fujiwara      | 48864-035           | 5970             |

7590 05/28/2004  
MCDERMOTT, WILL & EMERY  
600 13th Street, N.W.  
WASHINGTON, DC 20005-3096

EXAMINER

WALLACE, SCOTT A

| ART UNIT | PAPER NUMBER |
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2671

DATE MAILED: 05/28/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/749,624

Applicant(s)

FUJIWARA ET AL.

Examiner

Scott Wallace

Art Unit

2671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-19 is/are rejected.
- 7) ☒ Claim(s) 8 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamen et al., U.S. Patent No. 6456,287.
4. As per claim 1, Kamen et al discloses a processing method to be implemented by a computer (column 2 lines 53-60), comprising the steps of: obtaining three-dimensional shape data representing a three-dimensional shape model (column 1 lines 17-25); displaying the three-dimensional shape model and a surface to be joined to the designated portion of the three-dimensional shape model; modifying a shape of the surface to be joined to the designated portion of the three-dimensional shape model according to an alternation of a parameter, with regard to the shape of the surface; and re-displaying the modified surface in response to the reception of alteration (column 12 lines 20-39 and fig 7). However, Kamen et al does not disclose a portion of original three-dimensional shape data being omitted requiring that a portion of the three-dimensional shape model corresponding to the omitted original three-dimensional shape data be corrected; receiving a designation of the portion of the three-dimensional shape model corresponding to the omitted original three-dimensional shape data required to be corrected. It was well known in the art to edit models by deleting portions and adding new ones. It would have been obvious to one of ordinary skill in the art at the time the invention was made to delete a portion

that needs to be corrected with the system of Kamen et al because Kamen et al is correcting surfaces of a model (column 12 lines 20-38), you would want to delete the portion that is being correct to get it out of the way for the new portion being added.

5. As per claim 2, Kamen et al discloses wherein the surface is displayed on the designated portion together with the three-dimensional shape model (column 12 lines 20-38).

6. As per claim 3, Kamen et al discloses wherein the alteration of a parameter is executed by a manual operation of a user and the altered parameter is applied to a modification step (column 12 lines 20-38).

7. As per claim 4, Kamen et al discloses wherein the alteration of a parameter is performed manually by a single operation of a user for fixing the parameter to be applied to a modification in the modifying step (column 12 lines 20-38).

8. As per claim 5, Kamen et al discloses wherein the shape of the surface corresponds to a shape of the designated portion with regard to any altered parameter (column 12 lines 20-38).

9. As per claim 6, Kamen et al discloses wherein the shape of the surface is determined based on a data which represents a periphery of the designated portion in the three-dimensional shape model (column 12 lines 20-38).

10. As per claim 7 Kamen et al discloses wherein the surface contains a plurality of points having a fixed position with reference to the X-axis direction and Y-axis direction, and the modifying step includes modifying a position with reference to the Z-axis direction of at least one of the plurality of points based on the altered parameter (fig 7).

11. As per claims 10 and 17, Kamen et al discloses a processing method of a three-dimensional shape data (column 12 lines 20-38), comprising: displaying a three-dimensional shape model and a surface to joined to the three-dimensional shape model at a portion (column 12 lines 20-38) corresponding to where the portion of original three-dimensional shape data has been omitted (the part being modified would have to be omitted to make room for the new surface, column 12 lines 20-38), a shape of the surface being defined by at least one parameter (fig 7, Z parameter); a setting portion for obtaining only one parameter value (column 12 lines 20-38, determined by user); and a modifying portion

for modifying the shape of the displayed surface based on the obtained parameter value (column 12 lines 20-38). However, Kman et al does not specifically disclose omitting shape data. This would have been obvious to one of ordinary skill in the art at the time the invention was made because a new surface is being added therefore the previous data would have to be removed to make space for the new surface.

12. As per claims 11 and 18, Kamen et al discloses wherein the obtaining of a parameter value is performed manually by a manual operation of a user for fixing the parameter value, and by a manual operation of a user for applying the fixed parameter value onto a modification (column 12 lines 20-38).

13. As per claims 12 and 19, Kamen et al discloses wherein the obtaining of a parameter value is performed manually by a manual operation of a user for fixing the parameter value, and applying the fixed parameter value onto a modification is not necessary (column 12 lines 20-38).

14. As per claim 13, Kamen et al discloses a computer program product comprising a computer usable medium having encoded thereon a computer readable program for processing a three-dimensional shape model by making a computer system execute each step described in claim 1 (column 2 lines 50-60).

15. As per claim 14, Kamen et al discloses a computer program product comprising a computer usable medium having encoded thereon a computer readable program for processing a three-dimensional shape model by making a computer system execute each step described in claim 2 (column 2 lines 12-30).

16. As per claim 15, Kamen et al discloses a computer program product comprising a computer usable medium having encoded thereon a computer readable program for processing a three-dimensional shape model by making a computer system execute each step described in claim 3 (column 2 lines 12-30).

17. As per claim 16, Kamen et al discloses a computer program product comprising a computer usable medium having encoded thereon a computer readable program for processing a three-

dimensional shape model by making a computer system execute each step described in claim 4 (column 2 lines 12-30).

***Allowable Subject Matter***

18. Claims 8-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Wallace whose telephone number is 703-605-5163. The examiner can normally be reached on Monday thru Friday from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman, can be reached on 703-305-9798. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**MARK ZIMMERMAN**  
**SUPERVISORY PATENT EXAMINER**  
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